

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE ENROLLED ACT No. 1258

AN ACT to amend the Indiana Code concerning Medicaid.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-15-14-1, AS AMENDED BY P.L.160-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), payment of services for nursing facilities shall be determined under the same criteria and in a uniform manner for all facilities providing services.

(b) In addition to reimbursement under the uniform rates of payment developed for all nursing facilities under subsection (a):

- (1) nursing facilities that are owned ~~and~~ or operated by a governmental entity may receive any additional payments that are permitted under applicable federal statutes and regulations; and
- (2) nursing facilities that are not owned ~~and~~ or operated by a governmental entity may receive any additional payments that are permitted under applicable federal statutes and regulations.

(c) Each governmental transfer or other payment mechanism that the office implements under this chapter must maximize the amount of federal financial participation that the state can obtain through the intergovernmental transfer or other payment mechanism.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.**

(b) **Before July 1, 2002, the office shall do the following:**

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(1) Identify means by which expenditures from the Indiana tobacco master settlement agreement fund established by IC 4-12-1-14.3 are eligible or can be certified as eligible for federal financial participation under the federal Medicaid program (42 U.S.C. 1396 et seq.), including the following:

(A) Sources of intergovernmental transfers from government owned and operated health care entities.

(B) Opportunities for Medicaid waivers or expansion of waivers.

(2) Apply to the United States Department of Health and Human Services for approval of the waiver or an amendment to the state Medicaid plan necessary to implement subdivision (1).

(3) Develop health care coverage programs or health care funding mechanisms in the state's Medicaid program (IC 12-15) to implement subdivision (1).

(4) Publish notice in accordance with federal regulations stating the office's intent to implement the programs and mechanisms developed under this SECTION.

(c) The office may not implement a waiver or an amendment to the state Medicaid plan until the office files an affidavit with the governor attesting that the federal waiver or amendment to the state Medicaid plan applied for under this SECTION is in effect. The office shall file the affidavit under this subsection not later than five (5) days after the office is notified that the waiver is approved.

(d) If the office receives a waiver under this SECTION from the United States Department of Health and Human Services and the governor receives the affidavit filed under subsection (c), the office shall implement the waiver or amendment not more than sixty (60) days after the governor receives the affidavit.

(e) The money generated under this SECTION must be used to mitigate the need for reductions in reimbursement for health facilities licensed under IC 16-28.

(f) The budget agency shall cooperate with the office in implementing this SECTION.

(g) This SECTION does not appropriate any funds from the Indiana tobacco master settlement agreement fund to the office.

(h) The office shall report each month to the budget committee on the progress of the office in implementing this SECTION.

(i) The office may adopt rules under IC 4-22-2 necessary to implement this SECTION.



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**(j) This SECTION expires August 1, 2004.**

**SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.**

**(b) The office shall use any additional federal financial participation for the state Medicaid program that the state receives through an intergovernmental transfer involving health facilities licensed under IC 16-28 to mitigate reductions in Medicaid reimbursement for health facilities licensed under IC 16-28.**

**(c) This SECTION expires August 1, 2004.**

**SECTION 4. An emergency is declared for this act.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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